

REMARKS

Claims 2 and 6-9 are amended; new claims 11-23 are added. As a result of this amendment, claims 1-2 and 6-23 are now pending in this application. Of these, claims 1-2 and 6-10 stand rejected.

A detailed response to the rejections follows. However, applicant reserves all applicable rights not expressly exercised in connection with this response, including, for example, the right to challenge sufficiency of one or more of the cited references, the right to swear behind one or more cited references, and the right to rebut characterizations of the references and asserted combinations or motives for combination. Applicant makes no admissions regarding the prior art status of any of the cited art.

Response to Double Patenting Rejection

Claims 1, 2, and 6-10 were rejected under a non-statutory double patenting rejection, based on claims 1-24 of U.S. Patent 6,687,539 as well as claims 1-7 of U.S. Patent 6,304,778. Applicant does not admit that the pending claims are obvious in view of these issued claims. However, with an indication of allowable subject matter, applicant will provide a Terminal Disclaimer in compliance with 37 C.F.R. 1.321(b)(iv) to obviate these rejections.

Response to §112 Rejections

Claims 2, 7, 9, and 10 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. In response, applicant has amended several of the claims to clarify antecedence or change dependency. No new matter has been added, and no subject matter has been surrendered.

In view of the amendments, applicant requests respectfully that the Examiner reconsider and withdraw the §112 rejections.

Response to §102 Rejections

Claims 1, 2 and 8 were rejected under 35 U.S.C. § 102(b) for anticipation by Collins (U.S. Patent. 5,251,621).

In response, applicant submits respectfully that one of ordinary skill would not regard Collins as identically meeting each and every requirement of claims 1, 2, and 8. For instance,

Collins does not provide anything that one of ordinary skill would regard as “a programmable memory device for storing one or more cross-chamber blanking settings” and “circuitry for blanking an effect of atrial electrical signals in the monitoring circuitry ... based on at least one of the cross-chamber blanking settings.”

In fact, nothing in Collins appears to even recognize the concept of cross-chamber blanking. Instead, Collins provides cross channel blanking. This type of blanking completely disables pacemaker sensing (both atrial and ventricular sensing) during stimulation of a skeletal muscle grafted to a heart. To confirm, one need only refer to column 9, lines 41-47, which state:

XCHB_L, a cross channel blanking control signal from the microprocessor 19, is also supplied to a sense blanking input of the pacemaker 17 to disable pacemaker sensing during generation of a skeletal muscle stimulation pulse. This prevents the pacemaker 17 from incorrectly classifying a skeletal muscle stimulation pulse as an episode of intrinsic cardiac activity.

Thus, one of skill would not regard Collins as storing cross-chamber blanking settings or providing programmable memory for storing such settings as claim 1 requires. Similarly regarding claims 2 and 8, one of skill would not regard Collins as teaching a memory circuit or module for storing ... cross-chamber-blanking settings” and “a cross-chamber-blanking module.”

Accordingly, applicant requests respectfully that the Examiner reconsider and withdraw the §102 rejections based on Collins.

Response to §103 Rejections

Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Collins in view of van Lake (U.S. Patent 5,653,737). Claims 6, 7 and 10 were similarly rejected as unpatentable over Collins in view of Wickham (U.S. Patent 5,891,171).

In response, applicant submits respectfully that these rejections are based on the false premise that Collins provides cross-chamber blanking of cardiac sensory signals or data, when instead it provides blanking of all cardiac signals during stimulation of a skeletal muscle grafted to a heart. As such, applicant respectfully requests that these rejections also be withdrawn.

CONCLUSION

In view of the amended claims and these remarks, applicant requests respectfully that the Examiner reconsider the application. To further facilitate prosecution of the application, applicant invites the Examiner to telephone its patent counsel at (612) 349-9593.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

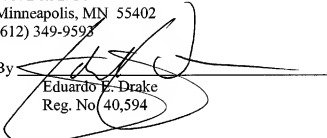
JAMES O. GILKERSON ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 349-9593

Date 15 Dec 2006

By


Eduardo Z. Drake
Reg. No 40,594

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 15 day of December 2006.

James O. Gilkerson et al.
Name

James O. Gilkerson et al.
Signature